

## Introduced by Senator Lowenthal

February 24, 2006

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An act to amend Sections 2331, 2333, and 2333.5 of the Streets and Highways Code, relating to highways.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1587, as introduced, Lowenthal. Highway safety: federal funds.

Existing federal law contains appropriations for a number of programs related to projects for the improvement of highway safety and the reduction of traffic congestion. Existing state law authorizes certain state and local entities to secure and expend the federal funds for these purposes.

This bill would make changes to the federal law references in these provisions to conform to recent changes in federal law.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 2331 of the Streets and Highways Code,  
2     as amended by Section 1 of Chapter 392 of the Statutes of 2004,  
3     is amended to read:  
4     2331. (a) The Highway Safety Act of 1973 (23 U.S.C. Sec.  
5     401 et seq.) has authorized appropriations for a number of  
6     programs relating to projects for the improvement of highway  
7     safety and the reduction of traffic congestion. These programs  
8     consist of the rail-highway crossings program (Section 203 of the  
9     Highway Safety Act of 1973), the pavement marking  
10    demonstration program (23 U.S.C. Sec. 151), projects for  
11    high-hazard locations, including, but not limited to, projects for

1 bicycle and pedestrian safety and traffic calming measures in  
2 those locations (23 U.S.C. Sec. ~~152~~ 148), program for the  
3 elimination of roadside obstacles (23 U.S.C. Sec. 153), and the  
4 federal-aid safer roads demonstration program (23 U.S.C. Sec.  
5 405). The purpose of this chapter is to implement these programs  
6 in this state. The commission, the department, boards of  
7 supervisors, and city councils are authorized to do all things  
8 necessary in their respective jurisdictions to secure and expend  
9 federal funds in accordance with the intent of that federal act and  
10 this chapter, and to coordinate with local law enforcement  
11 agencies' community policing efforts.

12 (b) This section shall remain in effect only until January 1,  
13 2008, and as of that date is repealed, unless a later enacted  
14 statute, that is enacted before January 1, 2008, deletes or extends  
15 that date.

16 SEC. 2. Section 2331 of the Streets and Highways Code, as  
17 amended by Section 2 of Chapter 392 of the Statutes of 2004, is  
18 amended to read:

19 2331. (a) The Highway Safety Act of 1973 (21 U.S.C. Sec.  
20 401 et seq.) has authorized appropriations for a number of  
21 programs relating to projects for the improvement of highway  
22 safety and the reduction of traffic congestion. These programs  
23 consist of the rail-highway crossings program (Section 203 of the  
24 Highway Safety Act of 1973), the pavement marking  
25 demonstration program (23 U.S.C. Sec. 151), projects for  
26 high-hazard locations (23 U.S.C. Sec. ~~152~~ 148), program for the  
27 elimination of roadside obstacles (23 U.S.C. Sec. 153), and the  
28 federal-aid safer roads demonstration program (23 U.S.C. Sec.  
29 405). The purpose of this chapter is to implement these programs  
30 in this state. The commission, the department, boards of  
31 supervisors, and city councils are authorized to do all things  
32 necessary in their respective jurisdictions to secure and expend  
33 those federal funds in accordance with the intent of the federal  
34 act and of this chapter.

35 (b) This section shall become operative on January 1, 2008.

36 SEC. 3. Section 2333 of the Streets and Highways Code, as  
37 amended by Section 3 of Chapter 392 of the Statutes of 2004, is  
38 amended to read:

39 2333. (a) In each annual proposed budget prepared pursuant  
40 to Section 165, there shall be included an amount equal to the

1 estimated apportionment available from the federal government  
2 for the programs described in Sections 2331 and 2333.5. The  
3 commission may allocate a portion of those funds each year for  
4 use on city streets and county roads. For projects authorized  
5 under Section 2333.5 and receiving funding under this section,  
6 the department may substitute State Highway Account funds in  
7 accordance with the department's policy for state funding in  
8 place at the time of the project fund allocation, if those federal  
9 funds are directed to projects on state highways that are eligible  
10 for funding under Section ~~452~~ 148 of Title 23 of the United  
11 States Code. It is the intent of the Legislature that the  
12 commission allocate the total amount received from the federal  
13 government for all of the programs described in Sections 2331  
14 and 2333.5 in a manner that, over a period of five years, makes  
15 not less than one million dollars (\$1,000,000) of those funds  
16 available for use pursuant to Section 2333.5 and the remaining  
17 funds available for use in approximately equal amounts on state  
18 highways, local roads, and the program established under Section  
19 2333.5. In addition, it is the intent of the Legislature that the  
20 commission shall apportion for use, in financing the railroad  
21 grade separation program described in Section 190, a substantial  
22 portion of the funds received pursuant to the federal rail-highway  
23 crossings program. Notwithstanding any other provision of law,  
24 the share of any railroad of the cost of maintaining railroad  
25 crossing protection facilities funded, in whole or in part, by funds  
26 described in Section 2331 shall be the same share it would be if  
27 no federal funds were involved and the crossing protection  
28 facilities were funded pursuant to an order of the Public Utilities  
29 Commission pursuant to Section 1202 of the Public Utilities  
30 Code; and in case of dispute, the Public Utilities Commission  
31 shall determine that share pursuant to this section.

32 (b) This section shall remain in effect only until January 1,  
33 2008, and as of that date is repealed, unless a later enacted  
34 statute, that is enacted before January 1, 2008, deletes or extends  
35 that date.

36 SEC. 4. Section 2333.5 of the Streets and Highways Code is  
37 amended to read:

38 2333.5. (a) The department, in consultation with the  
39 Department of the California Highway Patrol, shall establish and  
40 administer a "Safe Routes to School" construction program

1 pursuant to the authority granted under Section ~~152~~ 148 of Title  
2 23 of the United States Code and shall use federal transportation  
3 funds for construction of bicycle and pedestrian safety and traffic  
4 calming projects.

5 (b) The department shall make grants available to local  
6 governmental agencies under the program based on the results of  
7 a statewide competition that requires submission of proposals for  
8 funding and rates those proposals on all of the following factors:

9 (1) Demonstrated needs of the applicant.

10 (2) Potential of the proposal for reducing child injuries and  
11 fatalities.

12 (3) Potential of the proposal for encouraging increased  
13 walking and bicycling among students.

14 (4) Identification of safety hazards.

15 (5) Identification of current and potential walking and  
16 bicycling routes to school.

17 (6) Consultation and support for projects by school-based  
18 associations, local traffic engineers, local elected officials, law  
19 enforcement agencies, school officials, and other relevant  
20 community stakeholders.

21 (c) With respect to the use of funds provided in subdivision  
22 (a), prior to the award of any construction grant or the  
23 department's use of those funds for a "Safe Routes to School"  
24 construction project encompassing a freeway, state highway or  
25 county road, the department shall consult with, and obtain  
26 approval from, the Department of the California Highway Patrol,  
27 ensuring that the "Safe Routes to School" proposal compliments  
28 the California Highway Patrol's Pedestrian Corridor Safety  
29 Program and is consistent with its statewide pedestrian safety  
30 statistical analysis.

31 (d) The department shall continue to study the effectiveness of  
32 the program established under this section, and shall submit, on  
33 or before March 1, 2007, a report of its findings to the  
34 Legislature. The report shall include, but need not be limited to,  
35 the following elements:

36 (1) An evaluation of the program's impact on accident, injury,  
37 and fatality rates involving pedestrians or bicycles in the vicinity  
38 of the projects. As a subset, this element shall specifically  
39 address impacts on rates of fatalities and injuries to children.

1 (2) An evaluation of the program's impact on rates of  
2 bicycling and walking as modes of transportation to or from  
3 schools located in the vicinity of the projects.

4 (3) An evaluation of the potential safety effects of spending  
5 the program funds on other state and local safety programs,  
6 including a comparison of the relative safety effects of spending  
7 the available funds on the "Safe Routes to School" construction  
8 program or on the state and local highway safety programs and,  
9 to the extent possible within that comparison, the impacts on  
10 rates of fatalities and injuries to children.

11 (e) The department is encouraged to coordinate with local law  
12 enforcement agencies' community policing efforts in establishing  
13 and maintaining the "Safe Routes to School" construction  
14 program.

15 (f) This section shall remain in effect only until January 1,  
16 2008, and as of that date is repealed, unless a later enacted  
17 statute, that is enacted before January 1, 2008, deletes or extends  
18 that date.